





**5. Consultees:**

- 5.1 PC: No response. Any comments received will be contained within a supplementary report.
- 5.2 Private Reps (including responses to public notices): 10/0X/0S/2R. There are two letters of objection and the land use planning objections are summarised as follows:
- The proposed extension would cause a loss of light to both of the neighbouring properties
  - The extension will be nearer to the neighbouring property than the applicant maintains.
  - The extension would be visually prominent and have an overbearing impact upon the neighbouring property at Alexander House.
  - The extension would be contrary to saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 as it would cause a loss of light and privacy to the neighbouring property.
  - The proposed dwelling would not have a sufficient level of car parking provision.

One of the submitted letters provides more detail concerning the above matters and also comments on the applicant's supporting statement submitted as part of this application.

**6. Determining Issues:**

- 6.1 The site lies within the settlement confines of Offham, where the principle of the proposed extension is acceptable under policy CP 13 of the Tonbridge and Malling Borough Core Strategy 2007 (TMBCS).
- 6.2 Policy CP1 of the TMBCS requires development proposals to meet a number of criteria, one of which is that proposals must preserve or wherever possible enhance residential amenity. Policy CP 24 of the TMBCS requires proposals to respect their surroundings and not to harm the amenity of the settlement that they are located within.
- 6.3 Saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP) is also a material consideration as it specifically relates to the extension of an existing dwelling house. It states that proposals for such extension will not be permitted if they would result in an adverse impact on the character of the building or the street scene or the residential amenity of neighbouring properties in terms of loss of light or privacy.

- 6.4 The proposed extension is a revision of a scheme that was refused permission under ref. TM/08/03692/FL (and which was later dismissed on appeal). The Borough Council's reason for refusing this previous application was due to the overbearing impact of the proposed extension upon the outlook of the neighbouring residential property at Alexander House. In that case the first floor side extension element would have extended out by 3.6 m from the line of the south west flank wall of the existing dwelling. The Inspector agreed with the Borough Council but also added that in his opinion that scheme would also further reduce the level of sunlight (when tested against some the standards promoted by the Building Research Establishment (BRE)) available to the kitchen and utility rooms within Alexander House, thereby making dark rooms even darker. (See 6.16 etc below for the relevance of this issue.)
- 6.5 The Borough Council subsequently refused permission for a revised scheme (TM/10/00341/FL) that was similar in many respects to the scheme dismissed by the Inspector, but where the width of the proposed first floor side extension had been reduced to 2.5 metres.
- 6.6 The applicant considers that the revised design for the extension currently proposed overcomes both the Inspector's and Borough Council's previous concerns by further reducing the width of the first floor side extension to 2 metres. It also reduces the height of the single storey side/rear extension by up to 1.4 metres from that shown on the scheme dismissed by the Inspector.
- 6.7 The site currently contains a modest bungalow. Two storey dwelling houses are located on either side of the site, as well as on the opposite side of Comp Lane and further to the east towards the village green. In this particular context a two storey dwelling house would not be out of keeping in this locality. Indeed this was the conclusion of the Inspector when granting planning permission for a two storey dwelling of a similar height to the current proposal (TM/07/00349/FL), as referred to in paragraph 1.1 above.
- 6.8 The proposed dwelling has similarities to that previously approved scheme in that the element that would stand above the footprint of the existing bungalow is of a very similar form, size, height and design to the approved scheme. The main difference in the latest scheme lies with the addition of a part single storey/part 2 storey side extension in place of the current garage. A single storey extension would extend across the rear of the extended dwelling and wrap around to its south west flank elevation.
- 6.9 Whilst the proposed scheme for the extensions would create a larger dwelling than that which has been previously approved for this site, the immediate vicinity is characterised by dwellings that vary in terms of size, height and appearance. Indeed large, two-storey dwellings are not uncommon in the locality, nor are dwellings that contain rooms within the roof.

- 6.10 Furthermore, given the low level of the site compared to the road, it is likely to be the roof form of the extended dwelling that would be most visible from public vantage points within the Conservation Area, much the same as the neighbouring property at Maple Court. Indeed, this neighbouring dwelling would also, by virtue of its location, obscure some of the bulk of the proposed extended dwelling, when viewed from the north east.
- 6.11 In light of the above, I am satisfied that the proposed development would not cause such harm to the character or appearance of the Conservation Area or the character of the street scene that would warrant a recommendation to refuse planning permission. It is proposed to use tile hanging for the first floor element of the extension and render and matching brickwork for the ground floor elements. Whilst precise details of these materials and where exactly they would be used on the building have not been submitted, I am satisfied that this palette of materials would be acceptable.
- 6.12 Much concern has been expressed regarding the issues of residential amenity and car parking and I will deal with each of these in turn.
- 6.13 Regarding residential amenity, I would first address the likely impact of the development upon Maple Court.
- 6.14 The flank elevation of the proposed scheme that faces towards Maple Court is very similar to that of the previously approved scheme (TM/07/00349/FL) that was allowed on appeal. The first floor elements of both schemes would be 11.4m long and the eaves height now proposed at the northern corner of this elevation measures 5.1m, the same as that of the approved scheme. As I have stated earlier in this report, the ground level within the site drops away between the front and rear of the existing bungalow (by approx. 1.5metres). As a consequence, the relationship between the eaves and ridge heights of the two storey element of the proposed extension and Maple Court would be the same as that which was considered by the Inspector when determining the appeal at which scheme TM/07/00349/FL was approved. Consequently, this element of the proposed extension would not, in my opinion, cause more detriment to the availability of day light or sun light to the windows located within the south west facing (flank) wall of Maple Court, than the works allowed by the Inspector.
- 6.15 Concerning the single storey rear elements of the proposed extension, due to their size and position within the site, they are unlikely to cause significant detriment to the amenity of Maple Court in terms of loss of light, in my opinion.
- 6.16 Two windows are proposed to be located within the flank elevation of the extended dwelling facing Maple Court. These would serve a staircase and a W.C. and could allow overlooking to the dining/living room windows within Maple Court. It is also proposed to install 3 roof lights in the north east facing roof slope (on the elevation facing Maple Court) of the proposed extended dwelling. These would serve a

stairwell, dressing room and an en-suite. A condition could be used to require these windows to be obscured glazed and fixed shut, which would avoid a loss of privacy to Maple Court, were the application acceptable in all other respects.

6.17 I turn now to the other neighbouring property (Alexander House), which is located to the south west of the application site.

6.18 In order to try to overcome the reasons for which the Inspector dismissed the appeal, the applicant has further reduced the width of the first floor side extension to 2m i.e. 1.6m narrower than the width of the first floor side extension in the scheme that was dismissed on appeal.

6.19 In light of the Inspector's assessment in the context of BRE standards I have applied the test prescribed by the BRE in their guidance (Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice) to establish the level of daylight and sunlight that would be available to the two kitchen windows that are located within the north east facing (flank) elevation of Alexander House, were the proposed extension built as shown on the submitted drawings. Whilst the proposal would cause a minor loss of daylight to these windows, they would still receive a level of daylight that the BRE standards consider to be acceptable.

6.20 In terms of sunlight availability, the windows serving the kitchen at Alexander House currently receive only 27% of available sunlight due to their orientation (north-east). The proposed development would reduce the level of light received by these windows to 22% and 23% respectively, which is below the level recommended by the BRE as the minimum amount of sunlight a window serving a habitable room should receive (25%). The BRE document does state, however, that where the resulting level of sunlight is less than 0.8 times its former value, the occupiers of the building would notice the loss of light. In this case the kitchen windows would receive respectively 0.85 and 0.81 times the level of sunlight that they currently receive if the proposed extensions were constructed.

6.21 In the previously refused scheme (TM/08/03692/FL) the resulting level of sunlight that would have been available to these windows would have been 21%. The proposed scheme, therefore, offers a marginal improvement to the sunlight availability to Alexander House than the previously refused scheme. The Inspector, when dismissing the appeal concerning TM/08/03692/FL (appeal ref. APP/H2265/A/09/2106715) stated:

*“Although the reduction in sunlight might be marginal, it would make a rather dark room even darker and this adds to my concern that the new building would be too close to Alexander House.”*

6.22 However, in that scheme the resulting level of sunlight available to the kitchen windows would have been 0.77 times the existing level and the occupiers of the building would have (according to the BRE document) noticed the loss of light. In the current case, the reduction in the width of the proposed first floor side

extension is just about sufficient (according to the BRE document) to ensure that the occupiers of Alexander House do not notice a reduction in sunlight to their kitchen windows.

- 6.23 I am satisfied that the proposed extensions to Fremlins Dell would not cause an unacceptable loss of light to the living rooms, dining room, conservatory and bedrooms at Alexander House, due to the position of the windows serving these rooms in relation to the proposed extensions when applying BRE standards.
- 6.24 The proposed extension would come closer towards the kitchen windows within Alexander House than as approved under ref. TM/07/00349/FL (by extending in the place of the existing garage). I have calculated that the distance between the front corner of the proposed side extension and the flank wall of Alexander House that contains its kitchen windows would be approx. 7.5m. This distance has been calculated in the context of measurements taken on site, by Officers, between Alexander House and the existing dwelling at Fremlins Dell. Under the scheme refused permission under ref. TM/08/03692/FL, this distance would have been 6 metres. Whilst the first floor element of the extension would be set 1.5 further away from this elevation of Alexander House, I do not consider that it would appear significantly less intrusive when viewed from the kitchen windows of Alexander House than the scheme that was previously dismissed on appeal.
- 6.25 Furthermore, whilst the extension would extend over the footprint of the existing garage, it would also extend to the rear as well. Whilst the applicant has revised the form and design of the extension to try and reduce its overbearing impact upon the neighbouring property I consider that it would also be visually prominent when viewed from the private terraced area to the rear of Alexander House.
- 6.26 When allowing the appeal relating to application TM/07/00349/FL the Inspector considered that the extension to Fremlins Dell would result in a loss of light to the lounge windows located within the south west elevation of Maple Court, but this room also received light by a set of patio doors located within its the rear (south east) elevation which would still receive a reasonable level of light in the Inspector's opinion, sufficient to compensate for the loss of light to the side windows also serving the lounge.
- 6.27 The Inspector in that appeal also referred to the distance between the two dwellings which, at 3.5m, he considered to be acceptable and sufficient to avoid an overbearing effect or undue sense of enclosure occurring to Maple Court as a result of the first floor extension to Fremlins Dell. I have considered whether this is an appropriate test to apply to the relationship between the application proposal and Alexander House.
- 6.28 There are differences, in my opinion, between the manner in which the scheme in the allowed appeal was considered to impact upon Maple Court and how the proposed extension is considered to impact upon Alexander House. As the Inspector stated in his report, the development the subject of TM/07/00349/FL did

not move closer to Maple Court, but stayed in the same location as far as the north east (flank) elevation was concerned. The site of Maple Court is also set lower than the level of Fremlins Dell by approx 600mm. Indeed the area located between Maple Court and Fremlins Dell has little amenity value at present in my opinion, being quite a dark and gloomy area and the south west facing ground floor windows located within Maple Court already have a significantly curtailed aspect; looking directly onto a retaining wall with the flank wall of the existing bungalow at Fremlins Dell rising above that at a distance of only 3.5 m away.

- 6.29 By contrast, the current proposal would extend the mass of the existing building both vertically and sideways towards Alexander House into what is currently quite an open aspect when viewed from the kitchen windows or the rear terrace of Alexander House. Whilst the first floor side addition of the proposed extension would be located more than 3.5 m away from the kitchen windows and rear terrace of Alexander House, it is the fact that the two storey element of the extension is moving towards Alexander House, the location of the kitchen windows within Alexander House and how the proposed extension would be perceived from within this neighbouring property that differentiates the current proposal from how the extension the subject of permission TM/07/00349/FL was considered to impact upon Maple Court, in my opinion.
- 6.30 In light of the above, I consider that the proposed extension would have an overbearing impact upon and harm the outlook from the kitchen windows and rear terrace of this neighbouring property (Alexander House) and is, therefore, contrary to policies CP1 and CP24 of the TMBCS.
- 6.31 Concerning the issue of privacy, no windows in the proposed extension would look directly towards Alexander House. The two rear facing dormer windows would look directly down the rear garden of Fremlins Dell itself and would not cause an unacceptable loss of privacy to either Alexander House or Maple Court
- 6.32 Concern has also been expressed regarding the issue of car parking and turning associated with this proposal. There would be room to park two cars on the driveway of this property and one space within the amended garage. This accords with the current Kent Vehicle Parking Standards in IGN 3. Furthermore the Inspector when determining the appeal concerning application TM/08/03692/FL was satisfied that that proposal was acceptable in terms of highway safety. As the current proposal is for a smaller extension than the one the subject of that allowed appeal, I believe that the current proposal is also acceptable in terms of highway safety.
- 6.33 In light of the above, I consider that the development is not acceptable due to its impact upon the amenity of a neighbouring property and, therefore, recommend that permission be refused.

**7. Recommendation:**

7.1 **Refuse Planning Permission** as detailed by Letter dated 10.05.2010, Design and Access Statement dated 10.05.2010, Drawing 2010/21 dated 10.05.2010, Site Plan dated 10.05.2010, Statement dated 25.05.2010, for the following reason:

1. The development, by reason of its size and position, would have an overbearing impact upon and unacceptably detract from the outlook of the neighbouring residential property (Alexander House). The development, would, therefore be contrary to Policies CP 1 and CP 24 of the Tonbridge and Malling Borough Core Strategy 2007

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